

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1014 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 4-13-16.5-1, AS AMENDED BY P.L.1-2009,
- 4 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2010]: Sec. 1. (a) The definitions in this section apply
- 6 throughout this chapter.
- 7 (b) "Commission" refers to the governor's commission on minority
- 8 and women's business enterprises established under section 2 of this
- 9 chapter.
- 10 (c) "Commissioner" refers to the deputy commissioner for minority
- 11 and women's business enterprises of the department.
- 12 (d) "Contract" means any contract awarded by a state agency **or, as**
- 13 **set forth in section 2(f)(11) of this chapter, awarded by a recipient**
- 14 **of state funds**, for construction projects or the procurement of goods
- 15 or services, including professional services. For purposes of this
- 16 subsection, "goods or services" may not include the following when
- 17 determining the total value of contracts for state agencies:
- 18 (1) Utilities.
- 19 (2) Health care services (as defined in IC 27-8-11-1(c)).
- 20 (3) Rent paid for real property or payments constituting the price
- 21 of an interest in real property as a result of a real estate
- 22 transaction.
- 23 (e) "Contractor" means a person or entity that:
- 24 (1) contracts with a state agency; or

(2) as set forth in section 2(f)(11) of this chapter:

(A) is a recipient of state grant funds; and

(B) enters into a contract:

(i) with a person or entity other than a state agency; and

(ii) that is paid for in whole or in part with the state grant funds.

~~(e)~~ **(f)** "Department" refers to the Indiana department of administration established by IC 4-13-1-2.

~~(f)~~ **(g)** "Minority business enterprise" or "minority business" means an individual, partnership, corporation, limited liability company, or joint venture of any kind that is owned and controlled by one (1) or more persons who are:

(1) United States citizens; and

(2) members of a minority group or a qualified minority nonprofit corporation.

~~(g)~~ **(h)** "Qualified minority or women's nonprofit corporation" means a corporation that:

(1) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code;

(2) is headquartered in Indiana;

(3) has been in continuous existence for at least five (5) years;

(4) has a board of directors that has been in compliance with all other requirements of this chapter for at least five (5) years;

(5) is chartered for the benefit of the minority community or women; and

(6) provides a service that will not impede competition among minority business enterprises or women's business enterprises at the time a nonprofit applies for certification as a minority business enterprise or a women's business enterprise.

~~(h)~~ **(i)** "Owned and controlled" means:

(1) if the business is a qualified minority nonprofit corporation, a majority of the board of directors are minority;

(2) if the business is a qualified women's nonprofit corporation, a majority of the members of the board of directors are women; or

(3) if the business is a business other than a qualified minority or women's nonprofit corporation, having:

(A) ownership of at least fifty-one percent (51%) of the enterprise, including corporate stock of a corporation;

(B) control over the management and active in the day-to-day operations of the business; and

(C) an interest in the capital, assets, and profits and losses of the business proportionate to the percentage of ownership.

~~(i)~~ **(j)** "Minority group" means:

(1) Blacks;

(2) American Indians;

(3) Hispanics; and

(4) Asian Americans.

~~(j)~~ (k) "Separate body corporate and politic" refers to an entity established by the general assembly as a body corporate and politic.

~~(k)~~ (l) "State agency" refers to any authority, board, branch, commission, committee, department, division, or other instrumentality of the executive, including the administrative, department of state government.

SECTION 2. IC 4-13-16.5-1.3, AS AMENDED BY P.L.228-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1.3. As used in this chapter, "women's business enterprise" means a business that is one (1) of the following:

(1) A sole proprietorship owned and controlled by a woman.

(2) A partnership or joint venture owned and controlled by women in which:

(A) at least fifty-one percent (51%) of the ownership is held by women; and

(B) the management and daily business operations are controlled by at least one (1) of the women who owns the business.

(3) A corporation or other entity:

(A) whose management and daily business operations are controlled by at least one (1) of the women who owns the business; and

(B) that is at least fifty-one percent (51%) owned by women, or if stock is issued, at least fifty-one percent (51%) of the stock is owned by at least one (1) of the women.

(4) A qualified women's nonprofit corporation as defined in ~~IC 4-13-16.5-1(g)~~ and IC 4-13-16.5-1(h) and IC 4-13-16.5-1(i)."

Page 4, delete lines 8 through 17, begin a new line single block indented and insert:

"(11) Establish annual goals for the use of minority and women's business enterprises for any contract that:

(A) will be paid for in whole or in part with state grant funds; and

(B) involves the use of real property of a local unit (as defined in IC 4-4-32.2-9).

The department shall direct contractors to demonstrate a good faith effort to meet participation goals. The good faith effort shall be demonstrated by contractors using the repository of certified firms created under IC 4-13-16.5-3 or a similar repository maintained by a local unit (as defined in IC 4-4-32.2-9)."

Page 5, line 7, delete "If a unit of local" and insert "A local unit (as defined in IC 4-4-32.2-9) shall report on planned and actual participation of minority and women's business enterprises in contracts entered into under section 2(f)(11) of this chapter."

Page 5, delete lines 8 through 11.

- 1 Page 5, line 12, delete "entered into under section 2(f)(11) of this
- 2 chapter."
- 3 Renumber all SECTIONS consecutively.
(Reference is to HB 1014 as printed January 8, 2010.)

Representative Riecken